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UBER TECHNOLOGIES, INC.
14 and OTTOMOTTO LLC

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 WAYMO LLC,
19 Plaintiff,
20 v.
21 UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING LLC,
22 Defendants.
23

Case No. 3:17-cv-00939-WHA

**DECLARATION OF MICHELLE
YANG IN SUPPORT OF
PLAINTIFF'S ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
PORTIONS OF ITS JUNE 15, 2017
LETTER BRIEF REGARDING
PRIVILEGE ISSUES (DKT. 636)**

Trial Date: October 2, 2017

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1 I, Michelle Yang, declare as follows:

2 1. I am an attorney at the law firm of Morrison & Foerster LLP. I make this
 3 declaration based upon matters within my own personal knowledge and if called as a witness, I
 4 could and would competently testify to the matters set forth herein. I make this declaration in
 5 support of Plaintiff's Administrative Motion to File Under Seal Portions of Its June 15, 2017
 6 Letter Brief Regarding Privilege Issues (Dkt. 636).

7 2. I have reviewed the following documents and confirmed that only the portions
 8 identified below merit sealing:

Document	Portions to Be Filed Under Seal
Waymo's June 15, 2017 Letter Brief Regarding Privilege Issues ("Letter Brief") (Dkt. 636-3)	Portions outlined in red
Exhibits 1-3 to the Declaration of Kevin Smith (Dkt. 636-5, 636-7, 636-9)	Entire Documents

14 1. The red-outlined portions of the Letter Brief include details of a business
 15 agreement containing non-public, highly confidential information, including highly confidential
 16 business information relating to terms of the agreement, such as financial terms and conditions.
 17 These red-outlined portions contain highly sensitive business information that is not publicly
 18 known, and their confidentiality is strictly maintained. This information could be used by
 19 competitors and counterparties to Uber's detriment, including in the context of negotiating
 20 business deals. Disclosure of this information would allow competitors or counterparties to tailor
 21 negotiation strategy, including with respect to financial terms and conditions. If such information
 22 were made public, Uber's competitive standing could be significantly harmed.

23 2. Exhibits 1-3 are Defendants' privilege logs that include the email addresses of
 24 certain high-ranking executives listed within the privilege logs. Defendants seek to seal this
 25 information in order to protect the privacy of these executives, as they are prominent individuals

at a company that is currently the subject of extensive media coverage. Disclosure of this information for these high-ranking executives could expose them to harm or harassment.¹

3. Defendants' request to seal is narrowly tailored to those portions of Plaintiff's Letter Brief and its supporting papers that merit sealing.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 19th day of June, 2017, in Washington, D.C.

/s/ Michelle Yang
Michelle Yan

ATTESTATION OF E-FILED SIGNATURE

I, Arturo J. González, am the ECF User whose ID and password are being used to file this Declaration. In compliance with General Order 45, X.B., I hereby attest that Michelle Yang has concurred in this filing.

Dated: June 19 2017

/s/ Arturo J. González
Arturo J. González

¹ Instances of this contact information of high-ranking executives at Uber are too numerous to redact in Exs. 1-3, which total hundreds of pages. *See A.B. ex rel. W.F.B. v. San Francisco Unified School Dist.*, No. C 07-4738 PJH, 2007 WL 2900527, *1 (N.D. Cal. Oct. 2, 2007) (granting sealing of records containing references to sensitive information that are “too numerous to redact”).